

**FILED**

DEC 21 2005

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Defendants  
 MARTINDALE-HUBBELL AND  
 LEXIS/NEXIS, divisions of  
 REED ELSEVIER, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

INHERENT.COM aka INHERENT, INC.	)	No. C 05 3515 MHP
	)	
Plaintiff,	)	[PROPOSED]
v.	)	ORDER PURSUANT TO
MARTINDALE-HUBBELL, LEXIS/NEXIS	)	STIPULATED REQUEST TO
INC. and DOES 1 through 200 inclusive,	)	CONTINUE CASE MANAGEMENT
	)	CONFERENCE AND OTHER
Defendants.	)	DEADLINES
	)	Complaint Filed: July 29, 2005
	)	
	)	
	)	

WHEREAS, on September 7, 2005, defendants Martindale-Hubbell and Lexis/Nexis, divisions of Reed Elsevier, Inc. (collectively, "Defendants") filed a motion to dismiss the Complaint of Plaintiff Inherent.com aka Inherent, Inc. ("Plaintiff") or in the alternative, to transfer the action pursuant to 28 U.C.S. § 1404 (collectively, the "Motion") to the United States District Court for the District of New Jersey ("New Jersey District Court") where another action is pending between the parties entitled, Reed Elsevier, Inc. v. Inherent.com, Inc. a/k/a Inherent, Inc. (Civil Action No. 05-4048 (JLL)) (the "New Jersey Action");

WHEREAS, on October 31, 2005, at the hearing before the Honorable Marilyn H. Patel on

1 Defendants' Motion, with counsel appearing for each side, the Court indicated that the present  
 2 action would be transferred to New Jersey District Court where the New Jersey Action is pending;

3       WHEREAS, the parties' respective counsel in the New Jersey Action have already  
 4 submitted a Proposed Joint Discovery Plan, discussed issues pursuant to Federal Rules of Civil  
 5 Procedure 26, an initial scheduling conference in the New Jersey Action is scheduled for January 5,  
 6 2006, and the New Jersey Action is proceeding;

7       WHEREAS, the parties in the present action seek to avoid any duplication of efforts in  
 8 discovery, alternative dispute resolution, or any other activity inconsistent with the proceedings in  
 9 the pending New Jersey Action;

10      WHEREAS, the Court in the present action has not yet issued its final order in connection  
 11 with the Defendants' Motion, and both Plaintiffs and Defendants jointly seek to defer and jointly  
 12 request a continuance of the Case Management Conference currently scheduled for January 9,  
 13 2005, and all other deadlines under the Order Setting Initial Case Management Conference issued  
 14 on August 30, 2005, pending the Court's anticipated order on Defendants' Motion and transfer of  
 15 the present action to the New Jersey District Court;

16       Pursuant to Local Rules 6-2 and 7-12 and the matters stated herein, the parties, by and  
 17 through counsel, hereby stipulate and jointly request as follows:

18       1.       The Case Management Conference in this action now scheduled for January 9,  
 19 2006, at 4:00pm in Courtroom 15 of this Court is continued and hereby taken off-calendar;

20       2.       Pending an Order from the Court on Defendants' pending Motion, all deadlines and  
 21 obligations under the Order Setting Initial Case Management Conference dated August 30, 2005, in  
 22 this action, are also deferred, continued and taken off-calendar;

23       3.       There have been no previous time modifications in this action, either by stipulation  
 24 or order of the Court;

25       ///

26       ///

27       ///

1           4. This Stipulation shall modify the schedule for this action as set forth in the Order  
2 Setting Initial Case Management Conference dated August 30, 2005.

3 DATED: December 19, 2005

SHARTSIS FRIESE LLP

4 By \_\_\_\_\_  
5

ZESARA C. CHAN

6  
7 Attorneys for Defendants  
8 MARTINDALE-HUBBELL AND LEXIS/NEXIS,  
divisions of REED ELSEVIER, INC.

9 DATED: December \_\_\_\_\_, 2005

LAW OFFICES OF PATRICK E. CATALANO

10 By \_\_\_\_\_  
11

JANNIK P. CATALANO

12  
13 Attorneys for Plaintiff  
14 INHERENT.COM aka INHERENT, INC.

15           ORDER

16           PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 DATED: December 20, 2005

18  
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20 HONORABLE MARILYN H. PATEL  
21 UNITED STATES DISTRICT JUDGE  
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DEC. 19, 2005 5:15PM CATALANO LAW SF<sub>3</sub>E LLP

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4. This Stipulation shall modify the schedule for this action as set forth in the Order  
 2 Setting Initial Case Management Conference dated August 30, 2005.

3 DATED: December 19, 2005

SHARTSIS FRIESE LLP

4  
 5 By   
 6 ZESARA C. CHAN

7 Attorneys for Defendants  
 8 MARTINDALE-HUBBELL AND LEXIS/NEXIS,  
 9 divisions of REED ELSEVIER, INC.

9 DATED: December 19, 2005

10 LAW OFFICES OF PATRICK E. CATALANO

11 By   
 12 JANNIK P. CATALANO

13 Attorneys for Plaintiff  
 14 INHERENT.COM aka INHERENT, INC.

**ORDER****PURSUANT TO STIPULATION, IT IS SO ORDERED.**

17 DATED: December ..., 2005

20 HONORABLE MARILYN H. PATEL  
 21 UNITED STATES DISTRICT JUDGE

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Case No. C 05 3515 |Proposed| ORDER PURSUANT TO STIPULATION TO  
 MHP CONTINUE CASE MANAGEMENT CONFERENCE AND OTHER  
 DEADLINES

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